

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

ABN AMRO MORTGAGE GROUP, INC.,  
a Delaware Corporation,

Plaintiff,

v.

Case No. 05-74150  
Honorable Arthur J. Tarnow  
Magistrate Wallace Capel Jr.

THE MORTGAGE ZONE, INC., et al.,

Defendants.

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ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO FILE  
SECOND AMENDED COMPLAINT [D/E # 105] AND DENYING  
DEFENDANTS' MOTIONS TO DISMISS AS MOOT [13, 15, 75, 78, & 86]

This matter having come before the Court on Plaintiff ABN AMRO Mortgage Group Inc.'s Motion for Leave to File Second Amended Complaint, as well as various Motions to Dismiss the First Amended Complaint filed by Defendants The Mortgage Zone, Inc., Alan Schiff, Liberty Title Insurance Agency, Inc., Independence Title Corporation, American Pioneer Title Insurance Company and Ticor Title Insurance Company of Florida, and the Court having reviewed the briefs filed in connection therewith, heard the oral argument of counsel on April 27, 2006, read the proposed orders and objections to those proposed orders and the Court otherwise being fully advised in the premises:

IT IS HEREBY ORDERED that Plaintiff's Motion for Leave to File a Second

Amended Complaint is GRANTED for the reasons stated on the record;

IT IS FURTHER ORDERED that Plaintiffs shall attach as an exhibit to the Second Amended Complaint as filed a list identifying as to each Defendant the loan transactions in which that Defendant participated. The exhibit shall further identify each loan transaction by loan number, property address, date of closing, loan amount, and Plaintiff's estimated damages. The proposed Second Amended Complaint, with the attached exhibit, shall be filed by May 30, 2006;. Defendants shall plead or move in response to the restated Second Amended Complaint no later than 30 days after Plaintiff files the same:

IT IS FURTHER ORDERED that Plaintiff, pursuant to Civil Rule 9, shall set forth in the text of the restated Second Amended Complaint to the transactions to which the Proposed Second Amended Complaint refers, and the 16 additional examples promised at the April 27, 2006 hearing the Court conducted on this matter, so that the specific conduct of each Defendant as to the time, date, place of each act and/or omission;

IT IS FURTHER ORDERED that on the same date that Plaintiff files its restated Second Amended Complaint, Plaintiff shall also provide its full and complete Initial Disclosures, as described in Civil Rule 26(a)(1) and (2) to each Defendant;

IT IS FURTHER ORDERED that Defendants' objections to the proposed

Second Amended Complaint on the grounds of futility based upon: (1) The assertion of claims pursuant the Racketeering Influenced Corrupt Organizations Act that fall outside the applicable statute of limitations; (2) The absence of supplemental jurisdiction as to The Mortgage Zone; (3) Improper venue as to American Pioneer Title Insurance Company and Ticor Title Insurance Company of Florida; and (4) The insufficiency of the proposed Second Amended Complaint pursuant to Fed. R. Civ. P. 9(b), are all hereby rejected for the reasons stated on the record;

IT IS FURTHER ORDERED that in light of the Court's granting leave to file the Second Amended Complaint, Defendants' pending Motions to Dismiss the First Amended Complaint are denied as moot for the reasons stated on the record.

**DATE: May 12, 2006**

**S/ARTHUR J. TARNOW**  
**U.S. DISTRICT JUDGE**

**I certify that a copy of the forgoing document was served upon counsel of record either by electronic and/or U.S. Mail.**

s/Kendra Byrd  
Case Manager